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10/577,208	01/26/2007	Steven J. Mastrianni	YOR920030470US1	3304

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EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,208	Applicant(s) MASTRIANNI ET AL.	
	Examiner Arthur Duran	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/8/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 29-35 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (20030117635).

Claim 29. Roberts discloses a method for facilitating distribution of coupons for use at at least one store, comprising:

creating a targeted coupon by at least one coupon associate taken from a group of coupon associates consisting of: a particular store; a chain store; a customer environment sensor; a weather sensor; a product manufacturer; a product manufacturer; a service provider; a government agency; a first user; at least one other user; an employer of a first user; a third party agent; a software agent; and any combination of these associates (Figs. 1, 9);

providing a coupon device to a first user, from one of a group of coupon providers consisting of: the Coupon Service Bureau; said at least one store; a product manufacturer; a service provider; a government agency; a family member; an employer of said first user (Figs. 1, 8, 12);

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said first user employing the coupon device, comprising a device taken from a group of devices consisting of: a handheld device; a computing device; a smart card; a PDA; and a cell phone (Figs. 1, 8, 12); and any combination of these devices, to make a request to a coupon service bureau to obtain a targeted coupon for a targeted advantage (Figs. 1, 9, 7), wherein the targeted advantage is taken from a group of targeted advantages consisting of: product discount; service discount; duration of discount; rebate; service feature; service contract feature; product feature; ecological feature; safety feature; preferred instructions; an independent software agent; and any combination of these advantages (Figs. 3, 5, 9); and

a coupon service bureau performing steps of:

forwarding said targeted coupon to said first user (Fig. 1);

metering at least one of quantity of user requests, nature of user requests, quantity of coupon service bureau forwardings, and nature of coupon service bureau forwardings (Figs. 2, 9, 10); and

billing at least one of said first user or a coupon associate ([10, 13]);

and wherein said coupon service bureau performs at least one of the following additional steps:

modifying said targeted coupon based on a coupon- modifying criterion taken from a group of criteria consisting of: expiration date; number of other users using targeted coupons; current weather; predicted weather; news reports; movies; movie show times; user's buying history; stores record of sales; time of day; number of sales for that day; speed at which product is selling; prevailing market conditions; geopolitical

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events; fuel prices; demographic information; traffic patterns; gas prices; prevailing economic conditions; number of people in store at the moment or predicted to be in the store; time of day; terrorist alert level; nature of stores along the way to destination store; historical record of traffic problems; historical record of accidents; crime statistics; and any combination of these criteria (Figs. 3, "variable coupon data fields"; Figs 3, 9, 10);

deleting the targeted coupon ([40, 54]);

graphically modifying the targeted coupon; changing the targeted coupon value (Figs. 5; [40, 54]); and

moving the targeted coupon from one location to another (Figs. 1, 8, 12).

Roberts does not explicitly disclose billing at least one of said first user or a coupon associate according to the number and nature of requests or forwardings. However, Roberts discloses that it is obvious, old and well known that there are costs per coupon distributed or redeemed ([10, 13]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Roberts can bill for the coupons distributed or redeemed. One would have been motivated to do this in order to better cover the costs associated with coupon distribution and redemption.

Claim 30. Roberts further discloses the method as recited in claim 29, further comprising obtaining user-specific information from said first user, wherein the user-specific information includes at least one piece of information taken from a group of information comprising: first user demographic information; time of day of the step of

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making; time of day of the step of employing; product information; rate of purchases in a given time for a given product or products; and user's age; gender; income; place of residence; marital status; number of family members; past buying habits; level of education; hobbies; race; religion; and any combination of these pieces of information (Figs. 6, 9, 10; [84, 86, 95] demographic information; [110-118] using purchase and coupon use information for targeting).

Claim 31. Roberts further discloses the method as recited in claim 29, further comprising said first user employing said coupon to obtain said targeted advantage at at least one store (Fig. 1).

Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (20030117635) in view of Narayan (20020138348).

Claim 32. Roberts further discloses the method as recited in claim 29, further comprising a further step taken from a group of further steps consisting of:
at least one associate from said group of coupon associates monitoring and storing usage of said targeted coupon;
at least one coupon associate receiving targeted coupon use data from at least one other coupon associate from said group of targeted coupon associates;
said at least one coupon associate redeeming said targeted coupon after use of said targeted coupon by said first user (Figs. 1, 2, 6, 9, 10); one of said at least one coupon associate providing an identifier (Figs 1, 3, 5, 9, user id bar code).

Roberts does not explicitly disclose one of said at least one coupon associate providing an identifier enabling use of said targeted coupon by a limited user population. However, Narayan discloses a coupon exchange where members can trade, barter, sell, auction, etc coupons to other members ([11, 13, 172]; Fig. 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Narayan's coupon exchange to Robert's coupon members and coupon providing and coupon distribution. One would have been motivated to do this in order to better and allow coupon providing and coupon distribution.

Claim 33. Roberts does not explicitly disclose wherein the step of forwarding includes at least one of: requiring a return of a previous coupon from said first user to the Coupon Service Bureau, and another user providing said targeted coupon to said Coupon Service Bureau in exchange for a previous coupon held by said first user.

However, Roberts discloses data and information exchange ([53, 54, 78]). And, Narayan discloses a coupon exchange where members can trade, barter, sell, auction, etc coupons to other members ([11, 13, 172]; Fig. 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Narayan's coupon exchange to Robert's coupon members and coupon providing and coupon distribution. One would have been motivated to do this in order to better and allow coupon providing and coupon distribution.

Claim 34. Roberts does not explicitly disclose wherein a coupon exchange provided by said computer service bureau permits user exchange of coupons, said exchange comprising one of barter, sale, auction, and any combination of these

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techniques. However, Roberts discloses data and information exchange ([53, 54, 78]). And, Narayan discloses a coupon exchange where members can trade, barter, sell, auction, etc coupons to other members ([11, 13, 172]; Fig. 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Narayan's coupon exchange to Robert's coupon members and coupon providing and coupon distribution. One would have been motivated to do this in order to better and allow coupon providing and coupon distribution.

Claim 35. Roberts further discloses the method as recited in claim 34, wherein the electronic exchange is restricted by a restriction taken from a group of restrictions consisting of: time limitations, location of a store limitations, location of exchangers of electronic coupons limitations, product limitations, and price limitations ([3, 6, 23, 40, 43, 54, 55, 82, 105-109, 111, 123, 138], expiration of coupon which functions as time limitations).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571)272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arthur Duran
Primary Examiner
Art Unit 3622

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Primary Examiner, Art Unit 3622
5/4/2010